

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

JULIE BABAUTA SANTOS, *et al.*,
Plaintiffs,
vs.
FELIX A. CAMACHO, *et al.*,
Defendants.

Civil Case No. 04-00006

ORDER

CHARMAINE R. TORRES, *et al.*,
Plaintiffs,
vs.
GOVERNMENT OF GUAM, *et al.*,
Defendants.

Civil Case No. 04-00038

MARY GRACE SIMPAO, *et al.*,
Plaintiffs,
vs.
GOVERNMENT OF GUAM,
Defendant.
vs.
FELIX P. CAMACHO, Governor of Guam,
Intervenor-Defendant

Civil Case No. 04-00049

1 Before the Court are a number of recent filings by the Santos and Torres parties: Joint
2 Motion for Preliminary Approval of Class Action Settlement Agreement, Docket No. 320; Motion
3 for Leave to File Joint Petition for Declaratory and Injunctive Relief, and/or for Recovery of
4 Earned Income Tax Credits, or in the Alternative for a Writ of Mandamus, Docket No. 326;
5 Motion for Attorneys' Fees and Costs Pursuant to Section II(a)(iv) of the May 26, 2006 Class
6 Action Settlement Agreement, Docket No. 328; Joint Motion of the Parties for Conditional
7 Certification of the EIC Class for Settlement Purposes, Docket No. 329; Notice of Dismissal of
8 Claims Against Attorney General Douglas B. Moylan, Docket No. 330.¹

9 The Court had stayed its decisions regarding these motions because of the interlocutory
10 appeal filed by the Attorney General. However, in light of the Ninth Circuit's denial of the
11 Attorney General's petition for permission to appeal, the Court finds that these matters should be
12 addressed and the case proceed. In that regard, the Court takes these matters under advisement.
13 Any supplement filings as to these matters should be submitted no later than August 11, 2006.
14 Thereafter, if a hearing is necessary, one will be scheduled. In the meanwhile, the Court notes that
15 there is no need for further briefing as to the plaintiffs' Dismissal of Claims Against Attorney
16 General Douglas B. Moylan, Docket No. 330 and that that motion is hereby **GRANTED**.

17 Further the Court notes that there are a number of prior motions filed that may now be moot
18 because of subsequent filings such as: Petitioners' Motion for Conditional Certification of the EIC
19 Class for Settlement Purposes, Docket No. 211; Joint Motion for Preliminary Approval of Class
20 Action Settlement Agreement, Docket No. 212; Counsel for Petitioners' Motion for Attorney Fees
21 and Costs, Docket No. 277. If this is not the case, the parties are to file a status report concerning
22 the motion in question and explain the basis as to why it should not be considered moot by August
23 11, 2006. Provided no status report is filed by then, the Court will consider these motions moot
24 without further order of the Court.

25 Lastly, in consideration of the present posture of the cases, the Court adopts the Report and
26 Recommendations of the Magistrate Judge in *Torres v. Government of Guam*, Civ. Case No. 04-

27
28

¹The Docket Numbers referred to in this paragraph are those as set forth in *Santos v. Camacho*, Civ. Case No. 04-00006.

1 00038, Docket No. 64.²

2 **SO ORDERED** this 19th day of July, 2006.

3
4
5 /s/ Ricardo S. Martinez
6 **RICARDO S. MARTINEZ***
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27 ²Docket Number 64 concerns the Report and Recommendation filed in *Torres v.*
28 *Government of Guam*, Civ. Case No. 04-00038.

*The Honorable Ricardo S. Martinez, United States District Judge for the Western District of Washington, by designation.